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Before the  
Federal Communications Commission  
Washington, DC 20554

DEC 16 5 14 PM '04

In the Matter of )

Petition for Reconsideration )

Paramus School District  
Syracuse, New York )

File No. SLD-386049

Schools and Libraries Universal Service  
Support Mechanism )

CC Docket No. 02-6

**ORDER****Adopted: December 15, 2004****Released: December 15, 2004**

By the Telecommunications Access Policy Division, Wireline Competition Bureau:

1. The Telecommunications Access Policy Division of the Wireline Competition Bureau (Bureau) has under consideration a Petition for Reconsideration filed by Thomas Communications & Technology, on behalf of Paramus School District (Paramus), Syracuse, New York, seeking reconsideration of a decision issued by the Bureau on September 29, 2003.<sup>1</sup> In the decision, the Bureau dismissed as untimely Paramus's Request for Review of a June 25, 2003 decision by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (Administrator) rejecting Paramus's Funding Year 2003 application for failing to meet minimum processing standards.<sup>2</sup> Paramus asserts that its Request for Review was, in fact, postmarked before the 60-day deadline.<sup>3</sup> After review of the record, we find that Paramus's Request for Review was postmarked on August 25, 2003, before the 60-day deadline. We therefore grant Paramus's Petition for Reconsideration and agree to consider its Request for Review on the merits. For the reasons set forth below, however, we affirm SLD's June 25, 2003 decision and deny Paramus's request for support.

<sup>1</sup> Letter from Michelle Chemotti, Thomas Communications & Technology, to Federal Communications Commission, filed October 15, 2003 (Petition for Reconsideration). *Request for Review by Paramus School District, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, File No. SLD- 386049, CC Docket Nos. 96-45 and 97-21, Order, 18 FCC Rcd 19515 (Wireline Comp. Bur. 2003) (*Paramus Order*).

<sup>2</sup> See *Paramus Order*, 18 FCC Rcd at 19515, para. 1. Under the Commission's rules, requests for review of SLD decisions must be filed within 60 days of the SLD decision date. See 47 C.F.R. § 54.720(b). See also Letter from Michelle Chemotti, Thomas Communications & Technology, to Federal Communications Commission, filed August 25, 2003 (Request for Review); Letter from the Schools and Libraries Division of the Universal Service Administrative Company, to Michelle Chemotti, Thomas Communications & Technology, dated June 25, 2003 (Administrator's Decision on Appeal).

<sup>3</sup> See Petition for Reconsideration at 1.

2. Paramus appealed SLD's decision to deny its Form 471 application because it did not satisfy minimum processing standards.<sup>4</sup> More specifically, SLD determined that Paramus did not complete Block 4, Column 5 of the Form 471.<sup>5</sup> In its Request for Review, Paramus argued that a completed Block 4 detailing all eight schools within the school district was in fact submitted to SLD.<sup>6</sup> Paramus also stated that, although zeroes do not appear in Columns 5 and 6 of the Form 471 for one of its schools, it intended to convey that there are no eligible students for the National School Lunch Program and that the percentage of students eligible is zero percent.<sup>7</sup> Paramus further claimed that it entered zeroes in the appropriate places on the application, but they did not appear because of a flaw in SLD's Form 471 electronic filing system.<sup>8</sup> Finally, Paramus argued that its application should be considered because the omitted information could have been discerned from the other information in the application.<sup>9</sup> As support, Paramus points to the *Naperville Order* in which the Commission determined that, under the totality of the circumstances, SLD should not have returned an application without consideration for failure to meet SLD's minimum processing standards.<sup>10</sup> Paramus argued that the type of error made in its application was similar to the error made in the *Naperville Order*.<sup>11</sup>

3. After reviewing the underlying record, we find that SLD correctly rejected Paramus's application for failure to satisfy minimum processing standards. In particular, we find that Paramus failed to complete Block 4, Column 5 of its original Form 471 and submitted a corrected form after the close of the filing window deadline. We also note that the Administrator reviewed the on-line Form 471 filing system and determined that it accepted the placement of zeroes in the columns at issue.<sup>12</sup> Moreover, although the remainder of Paramus's application is substantially complete, we conclude that, consistent with our decision in the *Naperville Order*, the requested relief is not warranted.<sup>13</sup>

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<sup>4</sup> See Administrator's Decision on Appeal. See also Letter from Schools and Libraries Division, Universal Service Administrative Company, to Michelle Chemotti, Thomas Communications & Technology, dated February 18, 2003 (Form 471 Rejection Letter). Every funding year, the SLD establishes and notifies applicants of "minimum processing standards" to facilitate the efficient review of the thousands of applications requesting funding. When an applicant submits an FCC Form 471 that omits an item subject to the minimum processing standards, SLD automatically rejects that form and returns it to the applicant. See, e.g., SLD website, Form 471 Minimum Processing Standards and Filing Requirements, <<http://www.sl.universalservice.org/reference/471mps.asp>> (Minimum Processing Standards).

<sup>5</sup> See FCC Form 471 filed by Paramus School District, dated February 6, 2003.

<sup>6</sup> See Request for Review at 1.

<sup>7</sup> *Id.*

<sup>8</sup> Letter from Michelle Chemotti, Thomas Communications & Technology, to Federal Communications Commission, filed March 3, 2003.

<sup>9</sup> See Request for Review at 1.

<sup>10</sup> *Id.*, citing Request for Review by Naperville Community Unit School District 203, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc., File No. SLD- 203343, CC Docket Nos. 96-45 and 97-21, Order, 16 FCC Rcd 5032 (2001) (*Naperville Order*).

<sup>11</sup> See Request for Review at 1.

<sup>12</sup> Administrator's Decision on Appeal.

<sup>13</sup> See *supra* note 10.

4. In the *Naperville Order*, the Commission concluded that it is inappropriate for SLD to return an application without consideration under its minimum processing standards where (1) the request for information was a first-time information requirement on a revised form, thereby possibly leading to confusion on the part of the applicants; (2) the omitted information could be easily discerned by SLD through examination of other information included in the application; and (3) the application was otherwise substantially complete.<sup>14</sup> Unlike the *Naperville Order*, the omitted information in Block 4 of the Form at issue was not a first-time information requirement in Funding Year 2003.<sup>15</sup> In light of the thousands of applications that SLD must review and process each year, it is administratively necessary to require applicants to be responsible for providing complete and accurate information. Further, we have consistently held that it is the applicant who bears ultimate responsibility for the timely submission of its application.<sup>16</sup> We therefore deny the Request for Review.

5. ACCORDINGLY, IT IS ORDERED, pursuant to authority delegated under sections 0.91, 0.291, and 1.106(a)(1) of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, and 1.106(a)(1), that the Petition for Reconsideration filed by Thomas Communications & Technology, on behalf of Paramus School District, on October 15, 2003, IS GRANTED.

6. IT IS FURTHER ORDERED, pursuant to authority delegated under sections 0.91, 0.291, and 54.722(a) of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, and 54.722(a), that the Request for Review filed by Thomas Communications & Technology, on behalf of Paramus School District, on August 25, 2003, IS DENIED.

## FEDERAL COMMUNICATIONS COMMISSION



Vickie S. Robinson  
Deputy Chief, Telecommunications Access Policy Division  
Wireline Competition Bureau

<sup>14</sup> *Naperville Order*, 16 FCC Rcd at 5038, para. 15. All three prongs of this analysis must be satisfied under the *Naperville Order* test. *Id.*

<sup>15</sup> Compare Block 4, Schools and Libraries Universal Service, Services Ordered and Certification Form, OMB 3060-0806 (October 2000) (Funding Year 2002 FCC Form 471) with Block 4, Schools and Libraries Universal Service, Services Ordered and Certification Form, OMB 3060-0806 (September 2003) (Funding Year 2003 FCC Form 471).

<sup>16</sup> See *Application for Review by Information Technology Department State of North Dakota, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, File No. SLD-245592, CC Docket Nos. 96-45 and 97-21, Order, 18 FCC Rcd 21521 (Wireline Comp. Bur. 2003); *Request for Waiver by Center City Schools, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, File No. SLD-325719, CC Docket Nos. 96-45 and 97-21, Order, 17 FCC Rcd 22424 (Wireline Comp. Bur. 2003).